



**.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**56 CIVIL APPLICATION NO. 11485 OF 2024
IN FAST/28526/2024
WITH
CIVIL APPLICATION NO. 11487 OF 2024
IN FAST/28529/2024**

THE LEGAL MANAGER, UNITED INDIA INSURANCE CO
LTD THROUGH ITS BRANCH MANAGER

VERSUS

RAJEBHAU GOVIND RATHOD AND OTHERS

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Advocate for Applicant : Mr. Deshmukh Mohit Ramesh Rao

Advocate for Respondent Nos. 1 to 3 : Mr. Mahesh P. Kale

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 23, 2025

PER COURT :-

1. Heard Mr. Deshmukh learned Advocate appearing for the applicant.
2. The applicant seeks to condone the delay of 864 days caused in filing the appeal.
3. The perusal of the reason as stated in the application shows that the award passed by the tribunal is ex-parte. The applicant insurance company was not party to original proceedings. However later on in the year 2021, they have been added and notice was issued to them. Such notice alleged to have been served during the pandemic period. The fact remains that no appearance was caused on behalf of the Insurance company and the passing of award was not within knowledge of it.

4. Mr. Kale, learned Advocate appearing for the respondent nos. 1 to 3 submits that the reasons as stated in the application does not constituted sufficient cause. If the insurance company fails to cause its appearance, before the tribunal they themselves are at fault.

5. Having considered submissions advanced, it can be noted that the Insurance Company first time came to know about the award after service of notice of execution upon the insurance company. There is nothing to convert the statements made in the application. Therefore, the sufficient cause is made out to condone the delay. Consequently, the application deserves to be allowed. Hence, following order:

ORDER

- i. The application is allowed.
- ii. The delay of 864 days caused in filing appeal is condoned.
- iii. Appeal is registered.

(S. G. CHAPALGAONKAR)
JUDGE

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